

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

219

CRM-M-36776-2022
Date of decision : 25.08.2022

Ankit

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Vinay Phogat, D.A.G., Haryana
for he respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.106 dated 27.07.2021 registered under Sections 148, 149, 323, 436, 452 and 379-B of the Indian Penal Code, 1860 at Police Station Bapoli, District Panipat.

The above-said FIR was registered on a complaint made by complainant-Sandeep alleging that he was partner with Sonu in liquor vends. One of such liquor vends was existing at Village Goela Khurd, Panipat wherein Shiv Kumar was employed by them. On 26.07.2021 accused-Roshan came to the above-said liquor vend and asked Shiv Kumar to give a bottle of Royal Stag whiskey. When Shiv Kumar ask for money, accused-Roshan refused to give the same. On which Shiv Kumar did not give him liquor. Accused-Roshan left the place while hurling abuses to Shiv Kumar. Thereafter, on the night at about

01/02:00 a.m. accused-Roshan along with his nephew Ankit (the petitioner) and 04-05 other persons came to the liquor vend and extended beatings to Shiv Kumar. When Shiv Kumar fled from the spot, the accused took away cash amount of Rs.3,600/-, one mobile phone and eight boxes of liquor from the liquor vend and set the liquor vend on fire.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. There is no evidence against the petitioner to involve him in this case. Even, complainant-Sandeep and eye-witness/injured Shiv Kumar, who have already been examined as PW-2 and PW-3, respectively, before the trial Court, did not support the case of the prosecution and have turned hostile. The petitioner is in custody since 06.04.2022. Co-accused Roshan, Nitin and Sunderpal have already been granted concession of regular bail by the trial Court vide order dated 03.03.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

Learned State counsel has filed the custody certificate dated 24.08.2022 which is taken on record. As per the custody certificate, the petitioner is in judicial custody for the last 04 months and 19 days. As per column No.3 of the custody certificate, the petitioner is also involved in one more case i.e. FIR No.41 of 2021, however, he is on bail in the said case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case,

considering the custody period of the petitioner, the fact that co-accused Roshan, Nitin and Sunderpal have already been granted concession of regular bail by the trial Court vide order dated 03.03.2022 and also the fact that the trial is likely to take long time, the instant petition is allowed.

The petitioner-Ankit is ordered to be released on regular bail on his furnishing bail bonds and 02 solvent sureties to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

25.08.2022

kothiyal

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No